

REMARKS

Claims 1-5 are pending in the application upon entry of this amendment. Claims 1 and 2 are amended herein. Entry of this amendment and favorable reconsideration of the application is respectfully requested.

Objection to Specification

The Applicants cure the excess of 150 words of the Abstract by amending the Specification.

Rejection of claim 5 under 35 USC 112

The Applicants have amended claim 2 and withdrawal of the rejection is respectfully requested.

Rejection of claims 1 and 2 under 35 USC 102(b)

Claims 1 and 2 stand rejected under 35 USC 102(b) as being anticipated by Moretti (US 6,085,920). Applicant respectfully requests withdrawal of the rejection for at least the following reasons.

Independent claim 1 is amended by changing “an engaging part engaged at a top part of the opening part of the container main body” to “an engaging part is provided that engages a top part of the opening part of the container main body both in a state where the internal cap is not separated from the container main body and a state where the internal cap is separated from the container main body.

As described with respect to an embodiment at page 11 line 19 through page 13 line 23, in the invention of claim 1, the upper part (namely the “top part” recited in claim 1) of the opening part 18 of the container main body 12 is engaged with the engaging part 64 of the inner ring 16, even if the internal cap 22 is separated from the container main body 12. Thus, the engagement situation is maintained whether the internal cap is separated or not from the container main body.

On the other hand, the cited reference Moretti, unlike the invention of amended claim 1, does not disclose that the engaging part is engaged at the top part of the opening part of the container main body whether the internal cap is separated or not from the container main

body. For example, as shown in FIG. 3 of Moretti, if the alleged internal cap 10 is separated from the alleged container main body 5, then the alleged engaging part no longer engages the alleged top part of the opening part of the container main body.

In addition, although the Examiner asserts that “the internal cap is rotated with the external cap while the internal cap slides and contacts the slide contact part” is described at column 3 lines 37 through 40 of the cited reference Moretti, the cited reference Moretti does not disclose or suggest “the internal cap is rotated with the external cap while the internal cap slides and contacts the slide contact part” of claim 1.

Thus, Moretti does not disclose each and every limitation found in amended claim 1, and the rejection based on anticipation should be withdrawn. For at least the foregoing reason, it is respectfully requested that the rejection of independent claim 1, as well as the rejection of claim 2 depending therefrom, be withdrawn and that the claims be allowed.

Rejection of claims 3-5 under 35 USC 102(b)

Claims 3-5 stand rejected under 35 USC 102(b) as being anticipated by Naito et al (US 3,843,006). Applicant respectfully requests withdrawal of the rejection for at least the following reasons.

The Examiner asserts that the container main body of claims 3 and 5 corresponds to a part indicated by a numerical reference D of the Naito reference; the internal cap of claims 3 and 5 corresponds to a part indicated by a numerical reference A of the Naito reference; the external cap of claims 3 and 5 corresponds to a part indicated by a numerical reference B of the Naito reference; and the inner ring of claims 3 and 5 corresponds to a part indicated by a numerical reference C of the Naito reference. Furthermore, the Examiner asserts by way of FIG. 1 of the Naito reference, annotated at page 7 of the office action, that the Naito reference discloses the engaging plate and the engaging projection, and that the stand surface of the projection of the engaging plate corresponds to a part indicated by a numerical reference 10 of Naito's Figure 1.

However, in the Naito reference, unlike the inventions of claims 3 and 5, the inner ring C, not the internal cap A, has a part indicated by the Examiner as the engaging plate of the internal cap in Figure 1; the inner ring C, not the external cap B, has a part indicated by the Examiner as the engaging projection of the external cap in Figure 1; and the external cap

B, not the internal cap A, has a part indicated by the Examiner as the stand surface of the internal cap in Figure 1, namely a part indicated by the numerical reference 10. See FIG. 4 of the Naito reference.

Thus, the Naito reference does not disclose or suggest the engaging plate of the internal cap, the engaging projection of the external cap, and the stand surface of the projection of the engaging plate of the internal cap of claims 3 and 5.


Thus, Naito does not disclose each and every limitation found in claims 3 and 5, and the rejection based on anticipation is improper and should be withdrawn. For at least the foregoing reason, it is respectfully requested that the rejection of independent claims 3 and 5, as well as the rejection of claim 4 depending from claim 3, be withdrawn and that the claims be allowed.

Conclusion

In view of the foregoing, the present application is believed to be in condition for allowance and an early indication to that effect is earnestly solicited.

The Commissioner is authorized to charge any fees, including additional claims fees, to Deposit Account No. 50-4424.

Respectfully submitted,



Martin A. Weeks
USPTO Reg. No. 37,753
IPUSA, PLLC
1054 31st Street, N.W., Suite 400
Washington, DC 20007
Customer No. 77464

Tel.NO: (202) 797-4181
Fax NO.: (202) 797-8188
E-mail: ipusa@ipusapat.com